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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
VU, THONG H

ART UNIT	PAPER NUMBER
2142	

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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/819,911	CROSSON, DANIEL
	Examiner	Art Unit	
	Thong H. Vu	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 February 2006*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-53* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-53* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1.   Claims 1-53 are pending.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-28 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4,6-12,17,19-36,39-53 are rejected under 35 U.S.C. 102(e) as being

anticipated by Yemini [2002/0029287 A1].

3.   As per claim 1, Yemini discloses a method for Internet protocol (IP) address

selection, comprising the steps of:

assigning a single domain name to a set of server IP addresses corresponding to

plural servers [Yemini, DNS, 0092,0095,0119]

receiving a request for the domain name from a client IP address [Yemini, name

request, 0043];

retrieving a set of IP routes linking the server IP addresses and the client IP

address [Yemini, a list of IP addresses, 0112; IP links , DART links, 0101];

selecting an IP route from the set of routes which meets predetermined criteria [Yemini, criteria, 0035].

4.   As per claims 2,11 Yemini discloses retrieving the set of IP routes from a cache database [Yemini, database, 0111].

5.   As per claims 3,12 Yemini discloses retrieving the set of IP routes from an IP routes database [Yemini, database, 0111].

6.   As per claim 4, Yemini discloses retrieving the set of IP routes from a set of routers using a BGP protocol as inherent feature of edge router [Yemini, 0079].

7.   As per claim 6, Yemini discloses retrieving the set of IP routes from a set of routers using a Telnet protocol as inherent feature of routers.

8.   As per claim 7, Yemini discloses selecting the IP route from the set which has a shortest AS path (Autonomous System) [Yemini, best path, 0125].

9.   As per claim 8, Yemini discloses selecting the IP route from the set which has a lowest origin type [Yemini, best path, 0125].

10.   As per claim 9, Yemini discloses selecting the IP route from the set which has a

lowest MED (Multi-Exit-Disc) [Yemini, best path, 0125].

11.   As per claim 10, Yemini discloses selecting the IP route from the set equal to a

default IP address [Yemini, best path, 0125].

12.   As per claim 14, Yemini discloses transmitting an IP address from the set of

server IP addresses which corresponds to the selected IP route [Yemini, select a best

path, 0125].

13.   As per claim 25 contains the similar limitations set forth in claim 1. Therefore

claim 25 is rejected for the same rationale set forth in claim 1.

14.   As per claim 26, Yemini discloses a cache database, coupled to the domain

name server for storing previously selected IP routes [Yemini, DNS database, 0119].

15.   As per claim 27, Yemini discloses the IP routes database is for storing all of the

IP routes [Yemini, DNS database, 0119].

16.   As per claim 28, Yemini discloses a domain name system server includes an

enhanced address resource record storing the single domain name, a list of the servers

and routers, a set of router retrieval parameters, a default IP router; and the domain

name system server accesses the retrieval parameters in order to select the IP routes

[Yemini, DNS database, 0119].

17.   As per claim 29, Yemini discloses the client IP address corresponds to a client

and the set of server IP addresses correspond to respective servers, wherein the set of

IP routes comprises IP routes from the client to respective servers, and wherein

selecting the IP route comprises selecting the IP route corresponding to the server that

satisfies the predetermined criteria [Yemini, criteria, 0035].

18.   As per claim 30, Yemini discloses selecting the IP route to the server associated

with a shortest path from the client [Yemini, select a best path, 0125].

19.   As per claim 31, Yemini discloses the assigning, receiving, retrieving, and

selecting acts are performed by a domain name system (DNS) server [Yemini, DNS,

0119].

20.   As per claim 32, Yemini discloses retrieving a set of IP routes where each IP

route is defined by at least two IP addresses [Yemini, routing path, 0077].

21.   As per claim 33, Yemini discloses prior to retrieving the set of IP routes, checking

a database in a cache to find an IP route entry containing an IP route previously

indicated as being a best IP route; and in response to finding the IP route entry in the

cache, using the IP route previously indicated as being the best IP route as the selected

IP route [Yemini, database, 0119].

22.   As per claim 34, Yemini discloses retrieving the set of IP routes is performed

from an IP routes database, and wherein retrieving the set of IP routes from the IP

routes database is in response to determining that the IP route entry is not present in

the cache [Yemini, database, 0119].

23.   As per claim 35, Yemini discloses accessing a field in a record, the field to

indicate one of plural techniques for downloading IP routes from routers to the DNS

server; and based on the technique identified by the field, establish one or more

sessions with the routers to download IP routes from the routers into an IP routes

database in the DNS server, wherein retrieving the set of IP routes is performed from

the IP routes database [Yemini, DNS database, 0119].

24.   As per claim 36, Yemini discloses establishing one or more Border Gateway

Protocol (BGP) sessions with the routers to download IP routes from the routers into the

IP routes database, in response to the field indicating use of BGP retrieval [Yemini,

edge router, 0079].

25.   As per claim 39, Yemini discloses establishing one of plural different types of

sessions corresponding to the one of plural techniques specified by the field to

download IP routes from the routers into the IP routes database [Yemini, database,

0111].

26.   Claims 15-17,19-24;40-48 and 25-28,49-53 contain similar limitations set forth in

claims 1-4,6-12,14,29-36,39. Therefore claims 15-17,19-24;40-48 and 25-28,49-53 are

rejected for the same rationale set forth in claims 1-4,6-12,14,29-36,39.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5,13,18,37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Yemini [2002/0029287 A1] in view of Dynarski et al [Dynarski 6,272,129 B1].

27.   As per claims 5,18 Yemini discloses retrieving the set of IP routes from a set of

routers [Yemini, IP links 0101] in IP, ATM, MPLS or any other foreign network. However

Yemini does not explicitly deatail "using an SNMP protocol".

In the same endeavor, Dynarski discloses a method for allocation wireless

mobile nodes over Internet network including SNMP and Telnet [Dynarski, col 14 lines

1-7].

Therefore it would have been obvious to an ordinary skill in the art at the time the

invention was made to incorporate the SNMP and Telnet services as taught by Dynarski

into the Yemini's apparatus in order to utilize the DART network interacts with other

technologies. Doing so would provide a simple, efficient and automatic way of permitting

the terminal on the IP network to initiate communication with the wireless device

[Dynarski, col 2 lines 15-26].

28.   As per claim 13, Yemini-Dynarski disclose defining an enhanced address

resource record, including a domain name, a list of corresponding servers and routers,

router retrieval parameters, a default client/server IP route, and timeouts [Dynarski, IP

link, col 8 lines 9-18; Dormant state, col 13 lines 4-8, domain, col 16 lines 50-67].

29.   As per claims 37, Yemini-Dynarski disclose establishing one or more Simple

Network Management Protocol (SNMP) sessions with the routers to download IP routes

from the routers into the IP routes database, in response to the field indicating use of

Management Information Base (MIB) [Dynarski, SNMP, col 14 lines 1-7].

30.   As per claim 38, Yemini-Dynarski disclose establishing one or more Telnet

sessions with the routers to download IP routes from the routers into the IP routes

database [Yemini, database, 0119; Web page, 0057], in response to the field indicating

use of Telnet retrieval [Dynarski, Telnet, col 14 lines 1-7].

        Any inquiry concerning this communication or earlier communications from the
examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-
272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM-
3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Andrew Caldwell*, can be reached at (571) 272-3868. The fax number for the organization where this application or proceeding is assigned is 571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see *http://pair-direct.uspto.gov*. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thong Vu
Primary Examiner
Art Unit 2142